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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,258	11/01/2001	Kram Henry Allen	10013460-1	2458

7590 09/07/2005

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EXAMINER

ZHOU, TING

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/002,258	ALLEN ET AL.	
	Examiner	Art Unit	
	Ting Zhou	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 July 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,5-14,21 and 22 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-2, 5-14, 21 and 22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. The amendment filed on 25 July 2005 have been received and entered. Claims 1-2, 5-14 and 21-22 as amended are pending in the application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 5-14 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Oran et al. U.S. Patent 5,920,316.

Referring to claims 1 and 8, Oran et al. teach a method and system comprising logic configured to display the one or more of the related sub-items of one of the items in response to at least one of: moving of a cursor over the one of the items and actuating an input button of a mouse input device as the cursor is located over the one of the items (for example, if the user positions the mouse cursor to point at the start menu button and then clicks the mouse button, the related sub-items of the start menu, i.e. “Programs”, “Documents”, “Settings”, etc. are displayed) (column 9, lines 41-54); and actuating a virtual button associated with the one of the items (users can display related sub-items of the start menu, i.e. “Programs”, “Documents”, “Settings”, etc. by selecting the virtual button for the start menu, i.e. button 32 shown in Figure 16A) (column 9, lines 41-54); and determining when the cursor is moved over the one of the items; and in response

thereto, displaying a first preview window comprising the one or more related sub-items (in response to the cursor being pointed at and the user selecting the start menu button, the related sub-menus are displayed in a preview window, i.e. window 101) (column 9, line 39 – column 10, line 15). This can further be seen from the examples shown in Figures 16A-C; as can be seen from Figure 16A, when the cursor is moved over “Start” and the user has selected “Start”, the related sub-items of “Start”, such as “Programs”, “Documents”, etc. are displayed in a preview window as a menu, represented by reference character 101.

Referring to claims 2 and 10, Oran et al. teach the cursor is manipulated by a mouse (column 6, lines 46-48 and column 10, lines 17-18).

Referring to claims 5 and 12, Oran et al. teach determining when the cursor is moved over one of the related sub-items in the first preview window, and if the one of the related sub-items has one or more related second-level sub-items, displaying a second preview window comprising the one or more related second-level sub-items (displaying cascading menu items; for example, “Programs”, which is one of the related sub-items of “Start”, contains second-level sub-items, shown by the arrow next to “Programs”, indicating more cascaded items; when the cursor is positioned over the “Programs” sub-item, its associated second-level sub-items can be displayed in a second window 105) (column 9, line 39 - column 10, line 8). This is further shown in Figures 16A-C.

Referring to claims 6 and 13, Oran et al. teaches at least a portion of the second preview window is displayed over at least a portion of the first preview window (as can be seen from Figure 16C, at least a portion of the window displaying the sub-items for “Programs”, containing “Accessories”, “Microsoft Office”, etc. are displayed over the

first menu window containing “Programs”, “Documents”, etc.; therefore, a portion of the window displaying second-level sub-items of “Accessories” can be displayed over the window containing the sub-items “Accessories”, “Microsoft Office”, etc.).

Referring to claims 7 and 14, Oran et al. teaches one or more of the related sub-items has one or more related second-level sub-items, and further comprising the step of displaying a second preview window comprising the one or more related sub-items (displaying cascading menu items; for example, “Programs”, which is one of the related sub-items of “Start”, contains second-level sub-items, shown by the arrow next to “Programs”, indicating more cascaded items; when the cursor is positioned over the “Programs” sub-item, its associated second-level sub-items can be displayed in a second window 105) (column 9, line 39 - column 10, line 8). This is further shown in Figures 16A-C.

Referring to claim 9, Oran et al. teach the logic is embodied in an operating system and initiated by the application (column 5, lines 21-30).

Referring to claim 11, Oran et al. teach each of the items comprises a text object and a button (as shown in Figure 16A, each of the menu items comprise a text object, such as textual descriptions “Start”, “Programs”, “Documents”, etc. and a button, such as the selectable arrow menu buttons shown by reference characters 112, 110, 108, 101, etc.).

Referring to claim 21, Oran et al. teach a method comprising displaying the related sub-item of the one of the items of the tree-view control window in response to: 1) actuating an input button of a mouse input device as a cursor is located over the one of the items (for example, if the user positions the mouse cursor to point at the start menu button and then clicks the mouse button, the related sub-items of the start menu, i.e.

“Programs”, “Documents”, “Settings”, etc. are displayed) (column 9, lines 41-54); and 2) actuating a virtual button associated with the one of the items (users can display related sub-items of the start menu, i.e. “Programs”, “Documents”, “Settings”, etc. by selecting the virtual button for the start menu, i.e. button 32 shown in Figure 16A) (column 9, lines 41-54); the method further comprising displaying a first preview window comprising the related sub-item in response to determining that the cursor is located over the one of the items (in response to the cursor being pointed at and the user selecting the start menu button, the related sub-menus are displayed in a preview window, i.e. window 101) (column 9, line 39 – column 10, line 15). This can further be seen from the examples shown in Figures 16A-C; as can be seen from Figure 16A, when the cursor is moved over “Start” and the user has selected “Start”, the related sub-items of “Start”, such as “Programs”, “Documents”, etc. are displayed in a preview window as a menu, represented by reference character 101.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oran et al. U.S. Patent 5,920,316.

Referring to claim 22, Oran et al. teach each item having sub-items comprises a virtual button and that the actuation of the button causes sub-items to be displayed (as shown in Figure 16A-16C and 17, each menu item having sub-menu items is a selectable virtual button, which can be selected to display the associated sub-menu items) (column 9, lines 39 - column 10, line 15). It is typical for related menu items to be alternately displayed and hidden from view, i.e. expanded and collapsed, upon actuation of the menu item. The examiner takes Official Notice of this teaching. It would have been obvious to one of ordinary skill in the art, to enable the alternate displaying and hiding of sub-items from view in order to conserve screen space when sub-items do not need to be viewed by hiding the sub-items; the collapse of the sub-items with the selection a button that also caused the initial display of the sub-items further avoids cluttering the interface screen with too many buttons and saves screen space.

Response to Arguments

4. Applicant's arguments filed on 25 July 2005 have been fully considered but they are not persuasive:

5. Firstly, in response to the applicant's argument that the claims may have been examined as if in a form prior to substantive amendment, the examiner apologizes for the confusion caused by inadvertently including "at least one of" in the previous office action; however, the limitations of subject claims 1 and 8 were examined in the previous office action to include all three recited manners in which sub-items of an item can be displayed, instead of at least one of the three manners (see pages 2-3 of the previous

office action dated 17 May 2005, in which the examiner cited passages of Oran that teaches all three recited manners).

6. Secondly, the applicant argues that the office action relies on different items to show that the three distinct manner are taught by Oran and therefore has improperly disregarded applicant's use of antecedent terms. The examiner respectfully notes that the specific items referred to by the examiner in the previous office action was merely used as examples to show that all three manners in which sub-items of an item can be displayed are taught by Oran. For clarity purposes, the examiner has now recited examples of all three manners in which sub-items can be displayed with regard to one item, namely the "Start" item. As recited in column 9, lines 41-54 and shown in Figure 16A, Oran et al. teach displaying the related sub-items of the start menu item, i.e. "Programs", "Documents", "Settings", etc. when the user positions the mouse cursor over the "Start" button and actuates an input button of a mouse input device by clicking the left mouse button. In other words, when the user actuates the virtual button for the "Start" menu via moving the cursor over the "Start" item button and clicking the left mouse button, the sub-items of the start menu are displayed. Lastly, related sub-items of one of the items can also be displayed in response to determining when the cursor is moved over the one of the items, i.e. in response to the cursor being placed over the "Start" item and the user clicking the mouse button, the "Start" item is highlighted and the corresponding sub-items of "Start", such as "Programs", "Documents", etc. are displayed in a window 101, as recited in column 10, lines 8-16.

7. The applicant further argues that the “Programs” item is not associated with a virtual button, in accordance with the common and ordinary meaning of a “virtual button”. The examiner respectfully disagrees. According to the online computer dictionary *Webopedia* definitions of “button” includes (<http://www.webopedia.com/TERM/b/button.html>):

- (1) In graphical user interfaces, a button is a small outlined area in a dialog box that you can click to select an option or command.
- (2) A mouse button is a button on a mouse that you click to perform various functions, such as selecting an object.

Definitions of “virtual” include (<http://www.webopedia.com/TERM/v/virtual.html>):

Not real. The term *virtual* is popular among computer scientists and is used in a wide variety of situations. In general, it distinguishes something that is merely conceptual from something that has physical reality. For example, virtual memory refers to an imaginary set of locations, or addresses, where you can store data. It is imaginary in the sense that the memory area is not the same as the real physical memory composed of transistors. The difference is a bit like the difference between an architect's plans for a house and the actual house. A computer scientist might call the plans a *virtual house*. Another analogy is the difference between the brain and the mind. The mind is a *virtual brain*. It exists conceptually, but the actual physical matter is the brain.

The opposite of virtual is *real, absolute, or physical*.

As can be seen from the above definitions, a virtual button is simply a non-physical area that can be clicked to select an option or command. The “Programs” item 112 shown in Figure 16C of Oran is a button area on a graphical user interface (in other words, it is not a physical button, but an imaginary button on a display screen) that can be selected by the user’s mouse to execute the function, i.e. command of displaying the sub-menu 105, as

recited in column 9, line 65-column 10, line 22. Therefore, the examiner respectfully asserts that the selectable items such as the “Programs” and “Start” items meets the definition of a virtual button.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

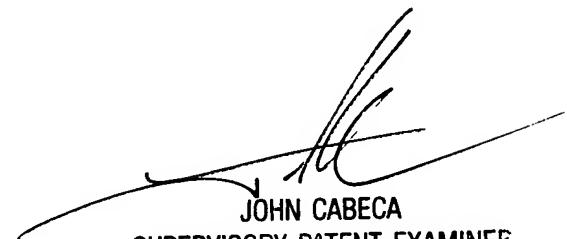
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TZ



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